

From: Graff, Gary (ECY)
To: [Pongkhamsing, Chan](mailto:Pongkhamsing.Chan@epa.gov)
Subject: RE: Tip/Complaint FW: Clean Water Act violations
Date: Tuesday, August 01, 2017 7:06:58 AM

Thank you Chan. We have recently been asked by Mr. Seaman to disclose a multitude of documents. To be clear, my staff fully investigated and Ecology has determined that we will not pursue any enforcement action. Prior actions have been addressed and mitigated for. We see no evidence of a new violation of the CWA.

Gary

-----Original Message-----

From: Pongkhamsing, Chan [<mailto:Pongkhamsing.Chan@epa.gov>]
Sent: Friday, July 7, 2017 11:14 AM
To: Graff, Gary (ECY) <GAGR461@ECY.WA.GOV>
Subject: Tip/Complaint FW: Clean Water Act violations

Hi Gary,

This is an old tip and complaint that Cathy Reed had investigated back in 2015. The complainant claims to have new evidence on the alleged violations. Please be aware that he may be contacted Ecology. The attached document was provided by Mr. Seaman from his initial complaint to EPA (fall of 2014).

Respectfully,

Chan Pongkhamsing
CWA 404 Enforcement Coordinator
Office of Compliance and Enforcement
U.S. EPA, Region 10
1200 Sixth Avenue, Mail Stop OCE-101
Seattle, Washington 98101
(206) 553-1806

-----Original Message-----

From: MATTHEW SEAMAN [<mailto:matthew142@msn.com>]
Sent: Tuesday, July 04, 2017 7:06 PM
To: Pongkhamsing, Chan <Pongkhamsing.Chan@epa.gov>
Subject: Clean Water Act violations

To: Chan Pongkhamsing
From: Matthew Seaman
Date: July 4, 2017

Are you still involved with investigations of Clean Water Act violations?

If you are, then I wish to deliver to you a document providing facts and discussion of repeated violations of the Clean Water Act within Yakima.

You may recall our initial exchange of emails pertained to the relocation of Shaw Creek into a man-made ditch at the Bainter site of Shaw Creek in Yakima. Given the absence of regulatory oversight, a citizen's lawsuit was filed within Federal District Court so that site restoration will be mandated by the Federal Judge. When Mr. Bainter and Yakima County officials performed the Clean Water Act violations of 2012, they utilized a secretive and unlawful prescription scheme. This prescription scheme involves officials at the WDFW and at Yakima County. These officials have used the prescription scheme repeatedly since 2012 to perform violations of the Federal Clean Water Act. The document that I have created outlines the facts. The only regulatory agency remaining to dismantle the

unlawful prescription scheme is the EPA.

However, incremental progress can be made within Federal District Court by systematically filing citizen lawsuits against developers (i.e. Bainter) and against Yakima County. Preferably, the EPA will take meaningful action to dismantle the unlawful prescription scheme that is repeatedly used to violate the Federal Clean Water Act.